THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6416 of 2002

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in issuing proceedings No.2316/99-2000 dated – nil- to auction the lands of the petitioner on 10.4.2002 as arbitrary and illegal.

The petitioner is the member of the Primary Agricultural Cooperative Credit Society, Martur village and mandal, Prakasam district. The petitioner obtained crop loan of Rs.1,18,600/- in the year 1993 and when he failed to discharge the loan amount, a dispute was raised before the appropriate authority. The appropriate authority passed award against the petitioner and thereafter respondents obtained Certificate under Section 71 of the A.P. Cooperative Societies Act, 1964 against the petitioner. In pursuance of the same, when the properties of the petitioner were sought to be auctioned, the present writ petition is filed.

The only grievance of the petitioner is that before passing the award and before the Certificate under Section 71 of the Act, no notice of any kind was issued to him as required under law.

Be that as it may, against the impugned order, there is an effective alternative remedy to the petitioner by way of filing appeal under Section 76 of the Act and without availing the said remedy, the present writ petition is filed. I am of the opinion that even the appellate authority can go into as to whether the petitioner was put on any notice or heard in this regard before passing the award or Certificate under Section 71 of the Act.

In view of the above, the writ petition is disposed of giving liberty to the petitioner to file appeal before the competent authority against the

Certificate issued under Section 71 of the Act within a period of four weeks from the date of receipt of a copy of this order. On such appeal being made, the competent authority shall entertain the same without raising any objection as to the limitation and decide the same as per law. No order as to costs.

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C.V.RAMULU, J

Date: 7.8.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6416 of 2002

28.7.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6416 of 2002

Dated: 7th August, 2006

Between:

Ravipudi Venkateswarlu

.. Petitioner

and

The Special Cadre Deputy Registrar/
Officer on Special Duty-cum-District Registrar &
Special Officer, Prakasam District Cooperative
Central Bank Ltd., Ongole, Prakasam district
and others.

.. Respondents